



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8770 of 2021

Eswaran

... Petitioner/4th Accused

Vs

State Rep.by
The Inspector of Police,
East Police Station,
Sivakasi,
Virudhunagar District.
In Crime No.186 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime no.186 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 427 and 506(ii) of IPC in Crime No.186 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 17.06.2021 when the defacto complainant went for relieving himself, he found one Pulukkai @ Manikandan, Sevakkadu @ Manikandan and Chettiyar @ Maariswaran talking. The above persons are known to the defacto complainant. At that time, Toni @ Balaganesh came there and told Pulukkai, Sevakkadu and Chettiyar that he is a big rowdy in that area and why they are not respecting him by getting up and started to pick up fight with them. There was scuffle and in that scuffle, Sevakkadu and Pulukkai hit Toni with stone. Chettiyar hit him with hands and legs. The defacto complainant intervened and pacified them. At about 08.00 pm, on the same day, when the defacto complainant was standing in front of his house, Ramesh Pandi, Pulukkai, Eswaran and Nagaraj, at the instance of Toni, came



there and scolded the defacto complainant in filthy language asking why he was supporting the persons who attacked Toni and damaged the defacto complainant's two wheeler bearing Registration No.TN 95 E 6737. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is pending. He further submitted that the defacto complainant did not suffer injury in this case.

5. Considering the nature of offence and the fact that the defacto complainant has not suffered injury, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Sivakasi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/07/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
EAST POLICE STATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8770 of 2021
Date :05/07/2021

MBI
MS/VR/SAR-1/07.07.2021/3P.5C